



General Assembly

January Session, 2003

Committee Bill No. 5909

LCO No. 4014

Referred to Committee on Planning and Development

Introduced by:
(PD)

***AN ACT CONCERNING THE LOCATION OF AUTO DEALERS,
REPAIRERS, JUNK YARDS AND GASOLINE STATIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 14-54 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 Any person who desires to obtain a license for dealing in or
4 repairing motor vehicles shall first obtain and present to the
5 commissioner a certificate of approval of the location for which such
6 license is desired from the [selectmen or town manager of the town,
7 the mayor of the city or the warden of the borough,] zoning
8 commission, planning and zoning commission or local authority of the
9 town, city or borough wherein the business is located or is proposed to
10 be located. [, except in any city or town having a zoning commission
11 and a board of appeals, in which case such certificate shall be obtained
12 from the board of appeals.] In addition thereto, such certificate shall be
13 approved by the chief of police where there is an organized police
14 force or, where there is none, by the commander of the state police
15 barracks situated nearest to such proposed location. The provisions of
16 this section shall not apply to (1) a transfer of ownership to a spouse,

17 child, brother, sister or parent of a licensee, (2) a transfer of ownership
18 to or from a corporation in which a spouse, child, brother, sister or
19 parent of a licensee has a controlling interest, or (3) a change in
20 ownership involving the withdrawal of one or more partners from a
21 partnership.

22 Sec. 2. Subsection (a) of section 14-67i of the general statutes is
23 repealed and the following is substituted in lieu thereof (*Effective*
24 *October 1, 2003*):

25 (a) No person, firm or corporation shall establish, operate or
26 maintain a motor vehicle recycler's yard or motor vehicle recycler's
27 business unless a certificate of approval of the location to be used
28 therefor has been procured from the [selectmen of the town, the mayor
29 of the city or the warden of the borough] zoning commission, planning
30 and zoning commission or local authority in the town, city or borough
31 wherein such yard or business is located or is proposed to be located. [,
32 except that, in any city or town having a zoning commission, such
33 certificate shall be procured from the zoning commission, certifying
34 that such location is suitable for the proposed use, consideration being
35 given to the factors specified in section 14-67k, nor unless a license to
36 establish or maintain such a yard or such a business has been obtained
37 from the Commissioner of Motor Vehicles as provided in section 14-
38 67l.]

39 Sec. 3. Section 14-321 of the general statutes is repealed and the
40 following is substituted in lieu thereof (*Effective October 1, 2003*):

41 Any person who desires to obtain a license for the sale of gasoline or
42 any other product, under the provisions of section 14-319, shall first
43 obtain and present to the commissioner a certificate of approval of the
44 location for which such license is desired. The certificate of approval
45 shall be obtained from the zoning commission, planning and zoning
46 commission or local authority of the town, city or borough where the
47 station or pump is located or is proposed to be located. A certificate of
48 approval shall not be required in the case of the transfer of the last

49 issued license from one person to another provided no more than one
50 year has elapsed since the expiration of such license, or in the case of a
51 renewal of a license by the holder of the license, or in the case of the
52 addition or discontinuance of pumps. If adjoining physical properties
53 are altered or changed, the applicant shall conform to the provisions of
54 this section. The commissioner shall not issue any license under the
55 provisions of section 14-319 for which a certificate of approval is a
56 prerequisite unless the certificate is presented to him within three
57 years after the date on which it was issued.

58 Sec. 4. Subsection (a) of section 14-58 of the general statutes is
59 repealed and the following is substituted in lieu thereof (*Effective*
60 *October 1, 2003*):

61 (a) Each new car dealer, used car dealer or repairer before engaging
62 in such business shall make a separate sworn application to the
63 commissioner for a license to engage in such business in each place of
64 business conducted by such dealer. The application shall include any
65 information that may be required by the commissioner on blanks to be
66 furnished by said commissioner. Each application shall be
67 accompanied by a fee of one hundred forty dollars for each place of
68 business conducted by the applicant, together with the fee for the type
69 of license for which the applicant is making application, and such fee
70 or fees shall not be subject to prorating and shall not be subject to
71 refund. No such license shall be transferable. When such licensee adds
72 buildings or adjacent land to such licensee's licensed place of business,
73 the commissioner may require the licensee to furnish satisfactory
74 evidence of compliance with the provisions of [sections] section 14-54,
75 [and 14-55,] or with other applicable provisions of law, administered
76 by the municipality wherein such business is located, concerning
77 building or zoning requirements. When a change of officers of a
78 corporation engaged in such business is made, a notice of the change
79 shall be sent to the commissioner within a period of fifteen days from
80 the date of the change. The commissioner may suspend the license of
81 any corporation, after notice and hearing, when the newly appointed

82 or elected officers cannot be considered as qualified to conduct the
83 business as provided in section 14-51.

84 Sec. 5. Section 14-324 of the general statutes is repealed and the
85 following is substituted in lieu thereof (*Effective October 1, 2003*):

86 Any person aggrieved by the performance of any act provided for in
87 sections 14-319 to [14-322] 14-321, inclusive, by the local authority may
88 take an appeal therefrom to the superior court for the judicial district
89 within which such town or city is situated, or in accordance with the
90 provisions of section 4-183, except venue for such appeal shall be in the
91 judicial district of New Britain if the act was performed by the
92 commissioner.

93 Sec. 6. (*Effective October 1, 2003*) Sections 14-55, 14-67k and 14-322 of
94 the general statutes are repealed.

This act shall take effect as follows:	
Section	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>

Statement of Purpose:

To eliminate redundancy in approval of the location of auto dealers, repairers, junk yards and gasoline stations by eliminating the need for a hearing before the zoning board of appeals and allowing the zoning approval granted by the planning and zoning authority to satisfy the requirement for site location approval.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. STONE, 9th Dist.

H.B. 5909